

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUIS MARTINEZ,

Plaintiff,

1:24-cv-05531

**COMPLAINT**

-against-

MERCHANTS NATIONAL PROPERTIES, D/B/A MARX  
REALTY, LLC,

Defendant.

**JURY TRIAL DEMANDED**

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Plaintiff, LUIS MARTINEZ (“Mr. Martinez” or “Plaintiff”), by his attorneys, JON L. NORINSBERG, ESQ., PLLC, complaining of the defendant, respectfully states as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 as this is a civil action where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

2. Plaintiff is a citizen of the State of New York, and defendant MERCHANTS NATIONAL PROPERTIES, D/B/A MARX REALTY, LLC (“Merchants National Properties”) is a foreign corporation with its principal place of business in the State of Delaware.

3. Venue is proper in this district under 28 U.S.C. § 1391(b) as this is the judicial district where the events or omissions giving rise to the claim occurred, and the Defendant is subject to the court’s personal jurisdiction.

**DEMAND FOR JURY TRIAL**

4. Plaintiff demands a trial by jury on all issues and claims in this action.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(Negligence)**

5. At all times hereinafter mentioned, the defendant MERCHANTS NATIONAL PROPERTIES was and still is a duly organized foreign corporation existing under the laws of the State of Delaware, and is the owner of MARX REALTY, LLC, which conducts business in the State of New York.

6. At all times hereinafter mentioned, defendant MERCHANTS NATIONAL PROPERTIES owned the premises known as TGIF- 833 Kimball Ave, Building 13A, Yonkers, NY 10704.

7. At all times hereinafter mentioned, defendant MERCHANTS NATIONAL PROPERTIES operated the aforementioned premises.

8. At all times hereinafter mentioned, defendant MERCHANTS NATIONAL PROPERTIES maintained the aforementioned premises.

9. At all times hereinafter mentioned, defendant MERCHANTS NATIONAL PROPERTIES managed the aforementioned premises.

10. At all times hereinafter mentioned, defendant MERCHANTS NATIONAL PROPERTIES controlled the aforementioned premises.

11. On June 22, 2023, at approximately 5:00 PM, plaintiff LUIS MARTINEZ was lawfully present on the premises in the course of his employment at the TGI Fridays Located at 833 Kimball Ave, Building 13A, Yonkers, NY 10704.

12. At the aforesaid date and time, Plaintiff was caused to be seriously injured when he slipped and fell on water that had accumulated on the floor due to a known leak from a broken pipe within the premises.

13. Prior to plaintiff's accident, defendant MERCHANTS NATIONAL PROPERTIES had actual notice of the dangerous and defective condition at the subject location.

14. Prior to plaintiff's accident, defendant MERCHANTS NATIONAL PROPERTIES had constructive notice of the dangerous and defective condition at the subject location, as the accumulation of water had been there for sufficiently lengthy period of time, and the broken pipe had been leaking water for a sufficiently lengthy period of time.

15. Despite having ample time to remedy the dangerous and defective condition of the subject location, defendant MERCHANTS NATIONAL PROPERTIES failed to do so, leading to the plaintiff's accident.

16. The above occurrence took place solely as a result of the negligence of the defendant, their agents and/or employees, in the ownership, operation, maintenance, management, and control of the property.

17. As a result of the negligence of the defendant MERCHANTS NATIONAL PROPERTIES in failing to maintain the premises, Plaintiff LUIS MARTINEZ was caused to slip and fall thereat, resulting in severe and permanent injuries.

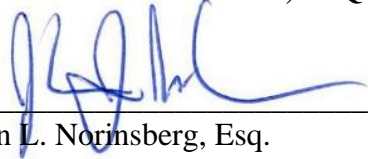
18. By reason of the foregoing, Plaintiff LUIS MARTINEZ, was caused to sustain serious and permanent injuries and to have suffered pain and suffering; was rendered sick, sore, lame and disabled and so remains; was confined to home and bed; was prevented from attending to his usual duties and occupation, resulting in substantial loss of earnings and impairment of future earning capacity; has lost and will continue to lose the enjoyment of life, and was obliged to seek and receive medical care and attention and will hereafter necessarily seek further medical care and attention in consequence of the injuries aforesaid, all to his damage in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff LUIS MARTINEZ demands judgment against the Defendant MERCHANTS NATIONAL PROPERTIES on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
July 22, 2024

Respectfully submitted,

**JON L. NORINSBERG, ESQ., PLLC**



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Jon L. Norinsberg, Esq.

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